

JOURNAL OF THE ASSEMBLY [May 4, 1982]

STATE OF WISCONSIN

# Assembly Journal

Eighty-Fifth Regular Session

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TUESDAY, May 4, 1982.

10:30 A.M.

The assembly met.

Speaker Jackamonis in the chair.

The prayer was offered by Representative Wood.

Representative Schober led the membership in reciting the pledge of allegiance to the flag of the United States of America.

The roll was taken.

The result follows:

Present -- Alberts, Andrea, Becker, Behnke, Berndt, Bradley, Byers, Clarenbach, Coggs, Crawford, Czarnezki, DeLong, Dilweg, Donoghue, Duren, Ellis, Everson, Fischer, Flintrop, Gerlach, Goodrich, Harer, Hasenohrl, Hauke, Helbach, Hephner, Holschbach, Hopkins, Jaronitzky, Johnson, Kincaid, Kirby, Klicka, Knox, Kunicki, Laatsch, Ladwig, Larson, Lee, Leopold, Lewison, Loftus, Looby, Luckhardt, McEssy, McEwen, Matty, Medinger, Menos, Merkt, Metz, Miller, Munts, Murray, Nelsen, Neubauer, Norquist, Otte, Panzer, Paulson, Plewa, Plous, Porter, Potter, Prosser, Quackenbush, Radtke, Roberts, Robertson, Robinson, Rogers, Rooney, Rutkowski, Schmidt, Schneider, Schneiders, Schober, Shoemaker, Smith, Stitt, Swoboda, Tesmer, Thompson, Travis, D., Travis, R., Tregoning, Tuczynski, Ulichny, Vanderperren, Wagner, Williams, Wood, Young and Mr. Speaker -- 94.

Absent -- None.

Absent with leave -- Barczak, Conradt, Dorff and Meaux -- 4.

Vacancies -- 47th District -- 1.

ADMINISTRATIVE RULES

Read and referred:

**Assembly Clearinghouse Rule 81-161**

Relating to property surveys.

Submitted by Department of Regulation and Licensing.

To committee on Urban Affairs and Housing.

Referred on May 4, 1982.

**Assembly Clearinghouse Rule 81-191**

Relating to examination and experience requirements for professional engineers.

Submitted by Department of Regulation and Licensing.

To committee on Commerce and Consumer Affairs.

Referred on May 4, 1982.

**Assembly Clearinghouse Rule 81-227**

Relating to compulsory surplus and security surplus.

Submitted by Office of the Commissioner of Insurance.

To committee on Insurance, Cooperatives and Risk Management.

Referred on May 4, 1982.

**Assembly Clearinghouse Rule 82-32**

Relating to assessment of costs.

Submitted by Public Service Commission.

To committee on Energy.

Referred on May 4, 1982.

**Assembly Clearinghouse Rule 82-41**

Relating to providing a definition and procedure for estimating fair market value taxable property.

Submitted by Department of Revenue.

To committee on Revenue.

Referred on May 4, 1982.

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EXECUTIVE COMMUNICATIONS

State of Wisconsin  
Office of the Governor  
Madison

To the Honorable, the Assembly:

The following bills, originating in the assembly, have been approved, signed and deposited in the office of the Secretary of State:

Assembly Bill	Chapter No.	Date Approved
169 -----	318 -----	April 29, 1982
212 -----	319 -----	April 29, 1982
239 -----	320 -----	April 29, 1982
292 -----	321 -----	April 29, 1982
354 -----	322 -----	April 29, 1982
365 -----	323 -----	April 29, 1982
501 -----	324 -----	April 29, 1982
542 -----	325 -----	April 29, 1982
574 -----	326 -----	April 29, 1982
600 -----	327 -----	April 29, 1982
707 -----	328 -----	April 29, 1982
741 -----	329 -----	April 29, 1982
839 -----	330 -----	April 29, 1982
938 -----	331 -----	April 29, 1982
984 -----	332 -----	April 29, 1982
989 -----	333 -----	April 29, 1982
62 -----	354 -----	April 30, 1982
126 -----	355 -----	April 30, 1982
170 -----	356 -----	April 30, 1982
238 (partial veto) -----	357 -----	April 30, 1982
241 -----	358 -----	April 30, 1982
246 -----	359 -----	April 30, 1982
322 -----	360 -----	April 30, 1982
371 -----	361 -----	April 30, 1982
407 -----	362 -----	April 30, 1982
583 -----	363 -----	April 30, 1982
615 (partial veto) -----	364 -----	April 30, 1982
677 -----	365 -----	April 30, 1982
752 -----	366 -----	April 30, 1982
765 -----	367 -----	April 30, 1982
824 -----	368 -----	April 30, 1982
825 -----	369 -----	April 30, 1982
836 -----	370 -----	April 30, 1982
858 -----	371 -----	April 30, 1982

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893	-----	372	-----	April 30, 1982
908	-----	373	-----	April 30, 1982
936	-----	374	-----	April 30, 1982
941	-----	375	-----	April 30, 1982
973	-----	376	-----	April 30, 1982
977	-----	377	-----	April 30, 1982
983	-----	378	-----	April 30, 1982
1016	-----	379	-----	April 30, 1982

Respectfully submitted,  
LEE SHERMAN DREYFUS  
Governor

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GOVERNOR'S VETO MESSAGE

April 30, 1982

To the Honorable Members of the Assembly:

I have signed **Assembly Bill 238** and deposited it with the Secretary of State. I have signed the bill because it creates an appropriation of \$50,000 to enhance dairy promotion efforts.

I have also exercised my constitutional item-veto authority to delete the creation of a dairy promotion council and dairy promotion corporations.

Assembly Bill 238 as passed by the Legislature duplicates current law and conflicts with the commodity market promotion provisions of Assembly Bill 885. My item-veto will allow the improvements of the Agricultural Marketing Act contained in Assembly Bill 885, which encourages market orders among private industry to proceed. The agricultural community has spoken clearly on this issue by indicating their preference for the methods established by Assembly Bill 885.

My item-veto should not be interpreted in any way to suggest that there is not a need to promote Wisconsin dairy products. By maintaining the appropriation in this bill but choosing to remove other sections of the bill, we act to promote dairy and other agricultural products through private self-help efforts designed and administered by the agricultural industry itself rather than building the State's role and the accompanying bureaucracy.

My action restores \$50,000 of the original \$100,000 I proposed be added to the last biennial budget for the purposes of maintaining and

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expanding agricultural markets which the Joint Committee on Finance denied to me last year.

I have vetoed section 1 of the bill because the Secretary of Agriculture, Trade and Consumer Protection is already authorized to appoint a related dairy promotion council under the provisions of Assembly Bill 885.

Language in section 2 relating to the \$50,000 appropriation in the bill is vetoed in order that the funds can be used for broader purposes than specified in this bill. The funds will still be used for dairy and agricultural product promotion.

I have vetoed the language in section 3 for the same reasons as I vetoed the language in section 2.

Language in section 4 is vetoed to remove references to a dairy promotion council and to eliminate the creation of dairy promotion corporations. Development of marketing orders and marketing order boards is provided in Assembly Bill 885 as a preferred approach.

Section 5 is vetoed to remove language relating to the terms of the members of the dairy promotion council. Language relating to the terms of the council is not necessary if the language relating to a council has been vetoed. Again, agriculture groups have indicated that they prefer the Assembly Bill 885 route of industry selecting the representatives to marketing boards rather than a Governor appointed council approach.

Respectfully submitted,  
LEE SHERMAN DREYFUS  
Governor

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GOVERNOR'S VETO MESSAGE

April 30, 1982

To the Honorable, The Assembly:

**Assembly Bill 615** establishes an employee's right to know regarding toxic substances, infectious agents and pesticides. With today's heightened awareness of the possible adverse effects of certain substances, it is imperative that employees receive information and training concerning the materials with which they work. Many companies already provide this service for their employees. It is clear that OSHA's regulations may not provide

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adequate protection for employees in this area, hence the need for passage of Assembly Bill 615.

I have exercised my power to item veto provisions in Section 4. The bill requires employers to maintain records on these substances for 30 years after they are used in the work place. This provision places an undue administrative burden and cost on employers with limited purpose. Therefore, I have exercised my item-veto authority to remove the record keeping mandates. One of the greatest complaints by business, especially small business, is the amount of paperwork government requires of them. Unless there is a strong public purpose, we should not add to their overhead and workload. I am not convinced this is such a case. Other provisions in AB 615 will provide employees with adequate information so that they may keep their own records, or seek the information when appropriate.

In addition, I have vetoed the enforcement provisions because funding and position authorization have not been adequately provided for in this bill. Both the Department and the Fiscal Bureau estimate that DILHR would need substantially more resources to carry out the enforcement procedure prescribed. If the Legislature desires such enforcement, it ought to provide the resources.

Respectfully submitted,  
LEE SHERMAN DREYFUS  
Governor

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### GOVERNOR'S VETO MESSAGE

April 30, 1982

To the Honorable, The Assembly:

**Assembly Bill 364** prohibits the investment of public funds by the Board of Public Lands, the State Investment Board and the University of Wisconsin Board of Regents in stocks and obligations of labor law violators.

Currently there are no firms on DILHR's list of labor law violators. Therefore, the real impact of this legislation is to establish a precedent whereby the discretionary authority of independent boards are specifically restricted by the Legislature. One purpose the boards are created as independent bodies is to isolate them from the political vagaries and to insure the security of their decisions. Labor practices and ethical intentions of a firm ought to be considered in state

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investment decisions. Other less desirable restrictions could easily be enacted once the precedent is set. I believe state policy ought to be to let these boards have flexibility, recognizing that their decisions are made in the public arena. Through appointments to these boards and through public scrutiny of their decisions, they can and will be held accountable. Therefore, I am vetoing this bill.

Respectfully submitted,  
LEE SHERMAN DREYFUS  
Governor

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GOVERNOR'S VETO MESSAGE

April 30, 1982

To the Honorable, The Assembly:

I am vetoing **Assembly Bill 581** because similar language is included in Senate Bill 72. If this bill were signed and SB 72 is also law, confusion in the statutes would be created because this bill requires that local soil and water conservation districts be informed when town highway changes are proposed, and SB 72 eliminates local boards of soil and water conservation districts and replaces them with land conservation committees. I support the intent of AB 581 which is notification of local land conservation agencies when highway changes are proposed. The language in SB 72 is more complete and will avoid confusion in the statutes.

Respectfully submitted,  
LEE SHERMAN DREYFUS  
Governor

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GOVERNOR'S VETO MESSAGE

April 30, 1982

To the Honorable Members of the Assembly:

**Assembly Bill 816** establishes a procedure which a manufacturer, factory branch or distributor must follow prior to entering into a franchise agreement establishing or relocating a motor vehicle dealership in the market area of an enfranchised dealer who is currently selling the same line of vehicle. Auto dealers are not currently covered under the general franchise protection statute and

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do not have the rights afforded individuals under that statute. However, the mechanism established in Assembly Bill 816 requires more extensive governmental intervention than is required for other franchises by requiring a public hearing.

Such requirements extend governmental regulation into an area where legal alternatives should be sufficient to deal with this problem. If that legal authority is not now available, legislation should be submitted which would make it accessible. However, requiring the Transportation Commission rule on these cases does not seem to be the proper solution to this problem. Therefore, I am vetoing this bill.

Respectfully submitted,  
LEE SHERMAN DREYFUS  
Governor

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### GOVERNOR'S VETO MESSAGE

April 30, 1982

To the Honorable Members of the Assembly:

**Assembly Bill 864** authorizes the Department of Transportation to spend up to an additional \$500,000 for rail car ferry services. Wisconsin currently provides \$885,000 per year for this subsidy. The State's contract with the existing ferry operator was originally scheduled for termination on March 31 of this year. However, in order to provide a transition period for the affected parties, the Department has extended that contract until December 31, 1982. The DOT has stated publicly that they plan to end all subsidies of cross-lake transportation services after 1982. Michigan is currently developing an integrated tug barge system which should help meet shippers' needs. This, along with the current revenue shortfall, especially with respect to the transportation fund, leads me to believe that this subsidy is an unnecessary use of limited transportation fund money. Therefore, I am exercising my constitutional power to veto this bill.

Respectfully submitted,  
LEE SHERMAN DREYFUS  
Governor

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GOVERNOR'S VETO MESSAGE

April 30, 1982

To the Honorable, The Assembly:

I have vetoed **Assembly Bill 943**, the pheasant propagation facility improvement project because a similar provision was included in Senate Bill 783 which I have signed into law.

Respectfully submitted,

LEE SHERMAN DREYFUS

Governor

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GOVERNOR'S VETO MESSAGE

April 30, 1982

To the Honorable Members of the Assembly:

I am vetoing **Assembly Bill 1086**. It mandates coverage of insulin infusion pumps or equipment and supplies used in the treatment of diabetes by the State Health Insurance Plan. This proposal is more restrictive on the state as an employer than any current provisions applying to other employers in Wisconsin. The associated costs of the mandate could easily exceed the \$333,000 estimate. While important, the critical issue to me is not the cost or the wisdom of establishing mandates on the State Health Insurance Plan in statute and outside of the contract negotiation process. Rather it is the elimination of the current system of utilization review. Coverage for insulin pumps can be provided under the current contract following review by a panel of consulting physicians and upon a determination of medical necessity. I believe utilization review and controls are becoming more necessary, in order to insure cost control.

Respectfully submitted,

LEE SHERMAN DREYFUS

Governor

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COMMUNICATIONS

State of Wisconsin  
Department of State  
Madison

To Whom It May Concern:

Dear Sir: Acts, joint resolutions and resolutions, deposited in this office, have been numbered and published as follows:

Bill, Jt. Res. or Res.	Chapter No.	Publication date
Assembly Bill 885	283	April 30, 1982
Assembly Bill 81	284	April 30, 1982
Assembly Bill 249	285	April 30, 1982
Assembly Bill 266	286	April 30, 1982
Assembly Bill 384	287	April 30, 1982
Assembly Bill 560	288	April 30, 1982
Assembly Bill 613	289	April 30, 1982
Assembly Bill 653	290	April 30, 1982
Assembly Bill 711	291	April 30, 1982
Assembly Bill 736	292	April 30, 1982
Assembly Bill 744	293	April 30, 1982
Assembly Bill 889	294	April 30, 1982
Assembly Bill 890	295	April 30, 1982
Assembly Bill 960	296	April 30, 1982
Assembly Bill 990	297	April 30, 1982
Assembly Bill 1005	298	April 30, 1982
Assembly Bill 1010	299	April 30, 1982

VEL PHILLIPS  
Secretary of State

May 1, 1982

Honorable Donald J. Schneider  
Honorable David R. Kedrowski

Gentlemen:

The following rules have been published and are in effect:

Clearinghouse Rule 79-12 effective 5-1-82  
Clearinghouse Rule 80-124 effective 5-1-82  
Clearinghouse Rule 81-68 effective 5-1-82  
Clearinghouse Rule 81-117 effective 5-1-82  
Clearinghouse Rule 81-127 effective 5-1-82

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Clearinghouse Rule 81-169 effective 5-1-82  
Clearinghouse Rule 81-179 effective 5-1-82  
Clearinghouse Rule 81-195 effective 5-1-82  
Clearinghouse Rule 81-196 effective 5-1-82  
Clearinghouse Rule 81-197 effective 5-1-82  
Clearinghouse Rule 81-199 effective 5-1-82  
Clearinghouse Rule 81-201 effective 5-1-82  
Clearinghouse Rule 81-202 effective 5-1-82  
Clearinghouse Rule 81-203 effective 5-1-82  
Clearinghouse Rule 81-204 effective 5-1-82  
Clearinghouse Rule 81-205 effective 5-1-82  
Clearinghouse Rule 81-214 effective 5-1-82  
Clearinghouse Rule 82-215 effective 5-1-82  
Clearinghouse Rule 82-218 effective 5-1-82  
Clearinghouse Rule 82-222 effective 5-1-82  
Clearinghouse Rule 82-224 effective 5-1-82  
Clearinghouse Rule 82-228 effective 5-1-82  
Clearinghouse Rule 82-229 effective 5-1-82  
Clearinghouse Rule 82-243 effective 5-1-82  
Clearinghouse Rule 82-18 effective 5-1-82

Sincerely,  
GARY POULSON  
Assistant Revisor

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### LEAVES OF ABSENCE

Representative Loftus asked unanimous consent for a leave of absence for today's session for Representatives Barczak, Dorff and Shoemaker. Granted.

Representative DeLong asked unanimous consent for a leave of absence for today's session for Representative Conradt. Granted.

Representative Rooney asked unanimous consent that the assembly stand recessed for ten minutes. Granted.

The assembly stood recessed.

10:40 A.M.

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### RECESS

The assembly reconvened.

11:55 A.M.

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LEAVES OF ABSENCE

Representative Loftus asked unanimous consent for a leave of absence for today's session for Representative Meaux. Granted.

Representative Loftus asked unanimous consent that the assembly stand recessed until 1:30 P.M. Granted.

The assembly stood recessed.

12:02 P.M.

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RECESS

1:40 P.M.

The assembly reconvened.

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CALL OF THE ASSEMBLY

Representative Loftus requested a call of the assembly. There were sufficient seconds.

The sergeant-at-arms was directed to close the doors and the chief clerk to call the roll.

The chief clerk called the roll.

Members absent with leave - Barczak, Conradt, Dorff, Meaux and Shoemaker.

Members absent without leave - Andrea, Clarenbach, Hasenohrl, Klicka, Kunicki, Luckhardt, Schmidt, Schneider, Stitt and Vanderperren.

Representative Loftus asked unanimous consent that the call of the assembly be lifted. Granted.

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SPECIAL GUEST

Speaker Jackamonis introduced Georgia State Senator Julian Bond who briefly addressed the members of the assembly.

Representative Loftus asked unanimous consent that the assembly stand informal for five minutes. Granted.

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Representative Rooney asked unanimous consent that the assembly stand recessed for fifteen minutes. Granted.

The assembly stood recessed.

2:30 P.M.

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RECESS

3:18 P.M.

The assembly reconvened.

Representative Loftus asked unanimous consent that the assembly stand recessed until 4:00 P.M. Granted.

The assembly stood recessed.

3:19 P.M.

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RECESS

6:09 P.M.

The assembly reconvened.

Representative Loftus asked unanimous consent to introduce and take up a joint resolution. Granted.

**Assembly Joint Resolution 107**

Relating to the final adjournment of the April 1982 extended and special sessions.

By Representative Jackamonis.

The question was: Shall **Assembly Joint Resolution 107** be adopted?

Motion carried.

Representative Loftus asked unanimous consent that the rules be suspended and that **Assembly Joint Resolution 107** be immediately messaged to the senate. Granted.

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Representative Loftus moved that the assembly stand adjourned pursuant to **Assembly Joint Resolution 107**.

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**The question was: Shall the assembly stand adjourned?**

**Motion carried.**

**The assembly stood adjourned.**

**6:12 P.M.**